

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4304 of 2019**

Vishvjeet Singh @ Lali Sardar, S/o late Lakhbeer Singh, Caste Sikh, aged about 26 years, Occupation Dukandari, R/o Khursipar, K.L.C. Line near Fish Market, Police Station Khursipar, Tahsil and District Durg (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station City Kotwali, Kawardha, District Kawardha (CG).

---- Non-applicant

For Applicant : Mr. Tarun Dansena, Advocate.

For Non-applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****23.07.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.103/2019 registered at Police Station City Kotwali, District Kawardha for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
3. Case of the prosecution, in brief is that on 08.03.2019 at about 3.00 a.m. near village Rambhepurkala, Inspector Sushil Malik posted at police station Kawardha stopped one Scorpio vehicle registration No.C.G.07-AU-4056. Driver and another person, who sat with the driver ran away from the said vehicle by taking the advantage of darkness. The said Inspector seized 234 bulk liters foreign liquor from the said vehicle.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is an innocent and has been falsely

implicated in the present case, therefore, he may be released on bail.

5. On the other hand, counsel for the State opposes the bail application. However, he submits that no criminal antecedent is reported against the applicant in the police case diary.

6. The complicity of the applicant is described in the memorandums of co-accused Ketu Nirmalkar and Santosh Singh @ Sonu Sardar, which is not admissible in evidence.

7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; offence is triable by any Magistrate and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.

8. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.

9. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-